

### REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Claims 94-96 and 110 are pending. Claims 94-96 have been amended to eliminate informalities. No new matter has been added via the amendments to the claims.

As an initial matter, Applicants thank the Examiner for allowing claim 110.

#### Priority

In the response filed February 18, 2009, Applicants have disclaimed priority to earlier applications. Such a disclaimer was made to extend patent term and without acquiescing to the priority determination in the Office Action dated November 26, 2008.

#### New Matter

The amendment filed February 18, 2009, stands objected to under 35 U.S.C. 132(a) as introducing new matter into the disclosure. It is stated in the Office Action that “[t]he added material which is not supported by the original disclosure is as follows: Applicants have amended the specification to cross-reference related applications, but which have otherwise been disavowed in the priority claim for this application by Applicants statements and the revised ADS in the response of 2/18/09.”

Applicants respectfully traverse this ground of objection. In the amendment filed February 18, 2009, Applicants removed priority claims to earlier applications, but retained the language that allows the incorporation of the earlier applications by reference. More specifically, Applicants have replaced the Cross Reference to Related Application section with the following sentence: “U.S. Ser. No. 10/053,530, U.S. Provisional Application Ser. Nos. 60/367,358 and 60/385,691 are incorporated herein by reference in their entirety.” Because this language is in the original application, Applicants submit that retaining this language does not constitute new matter. Accordingly, Applicants respectfully request that this ground of objection under 35 U.S.C. 132(a) be withdrawn.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 94-96 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite. More specifically, it is noted in the Office Action that claims 94-96 recite the limitation “said binding domain polypeptide” in element i), but there is no antecedent basis for this limitation in the claims.

Applicants thank the Examiner for noting the above informalities and have amended claims 94-96 to eliminate such informalities. Accordingly, Applicants submit that this ground of rejection under 35 U.S.C. 112, second paragraph, has been overcome. Withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. 103(a)

Claims 94-96 stand rejected under 35 U.S.C. 103(a) as obvious over Ledbetter *et al.* (US 20030118592, “Ledbetter”) as evidenced by Pluckthun *et al.* (US 6,815,540) in view of Welschhof *et al.* (Human Immunol. 60:282-290, 1990).

Applicants respectfully traverse this ground of rejection. As indicated in the Office Action, Ledbetter is prior art only under 35 U.S.C. 102(e). Because Ledbetter and the present application were owned by Trubion Pharmaceuticals, Inc. at the time the present invention was made, Ledbetter is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). Accordingly, Applicants submit that this ground under 35 U.S.C. 103(a) has been overcome. Withdrawal of this rejection is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

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Reply to Office Action dated June 24, 2009

Applicants believe that claims 94-96 and 110 remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,  
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